

she sustained on the job. Although the Appeals Board finds claimant injured her right thumb on June 1, 1990 while working for the respondent, the evidence fails to prove that claimant's work activities caused injury to her shoulders or aggravated a preexisting condition of rheumatoid arthritis.

The evidence against the assertion that the claimant's work aggravated rheumatoid arthritis is significant and persuasive. Samuel D. Brown, M.D., a board-certified rheumatologist, testified that claimant did not have active rheumatoid arthritis during the period he saw her between March and November 1992. Also, William D. Smith, M.D., a board-certified orthopedic surgeon, testified that one would expect an aggravation of rheumatoid arthritis to follow within a reasonably short period of time following a traumatic event. According to Dr. Smith's records, when he initially examined claimant on December 11, 1990, claimant complained of right hand and wrist pain and no mention is made of shoulder symptoms. As a result of the December 1990 examination, Dr. Smith rated claimant as having a 10 percent functional impairment to the right upper extremity only. He also testified that was his opinion of functional impairment after his second examination of claimant on May 13, 1991.

Due to the significant delay between the date of accident and the development of claimant's shoulder symptoms, the Appeals Board finds claimant's shoulder problems are not related to the accidental injury she sustained at work. Based upon the entire record, the Appeals Board finds claimant is entitled to receive permanent disability benefits under K.S.A. 1989 Supp. 44-510d for a 10 percent functional impairment to the right forearm.

The Appeals Board finds claimant is entitled to an additional award of 17.43 weeks of temporary total disability benefits for the period October 15, 1990 to February 14, 1991. This is the period claimant was taken off work for right wrist surgery by John L. Putnam, M.D. The dates are substantiated by both claimant's testimony and Dr. Putnam's office notes which were admitted into evidence by stipulation.

The findings and conclusions of the Assistant Director are adopted by the Appeals Board to the extent they are not inconsistent with the specific findings made herein.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award entered by Assistant Director Brad E. Avery dated December 7, 1995 should be, and hereby is, modified as follows:

WHEREFORE, AN AWARD OF COMPENSATION IS HEREBY MADE IN ACCORDANCE WITH THE ABOVE FINDINGS IN FAVOR of the claimant, Elizabeth Cox, and against the respondent, Celltron, Inc., and the insurance carrier, Hartford Accident & Indemnity, for an accidental injury sustained on June 11, 1990.

The compensable weeks for a scheduled injury are computed as follows:

The 200 weeks on the schedule minus 40.72 weeks temporary total equals 159.28 times 10 percent disability equals 15.93, the number of weeks of permanent partial disability benefits. Twenty-six weeks of temporary total are not deducted as provided K.S.A. 1989 Supp. 44-510g(g).

Therefore, the claimant is entitled to 33.43 weeks of temporary total disability at the rate of \$144.96 or \$4,846.01 and 33.29 weeks temporary total disability compensation during vocational rehabilitation at \$144.96 per week, or \$4,825.72 followed by 15.93 weeks of permanent partial compensation at the rate of \$144.96 per week, in the amount of \$2,309.21 for a 10 percent loss of use of the right forearm making a total award of \$11,980.94 which is ordered paid in one lump sum less any amounts previously paid.

Pursuant to K.S.A. 44-536, the claimant's contract of employment with her counsel is hereby approved.

Claimant is entitled to an award of unauthorized medical benefits up to the statutory maximum upon proof of utilization. Also, claimant may be granted future medical benefits upon proper application to the Director.

Fees necessary to defray the expenses of administration of the Workers Compensation Act are hereby assessed against the respondent to be paid direct as follows:

Alpha Reporting Service	
Deposition of Karen C. Terrill	\$233.30
Court Reporting Associates	
Deposition of Samuel D. Brown, M.D.	Unknown
Delmont Reporting Services	
Transcript of Preliminary Hearing	\$166.45
Transcript of Preliminary Hearing	78.10
Transcript of Preliminary Hearing	53.95
Deposition of Elizabeth Cox	298.90
Total	\$597.40
Hart-Sullivan Reporting Service	
Deposition of William D. Smith, M.D.	Unknown
Shaun J. Higgins, RPR-CM	
Deposition of Barbara Perry	Unknown
Patricia K. Smith, CSR	
Deposition of Elizabeth Cox	\$ 75.35
Deposition of Michael Feekin	138.60
Total	\$213.95

IT IS SO ORDERED.

Dated this ____ day of April 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Patrick C. Smith, Pittsburg, KS
Garry W. Lassman, Pittsburg, KS
Brad E. Avery, Assistant Director
Philip S. Harness, Director